

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BAXTER HEALTHCARE, et al.,

Plaintiff(s),

No. C 07-1359 PJH

v.

CASE MANAGEMENT ORDER

FRESENIUS MEDICAL CARE
HOLDINGS, INC., et al.,

Defendant(s).

/

The Pleadings:

Plaintiff's motion to amend the complaint (docket number 96), to add two additional Baxter-related entities and eight additional patents, and to assert contributory infringement, being unopposed by defendants, is GRANTED. No additional patents may be added. The deadline for any further amendments necessitated by the discovery of currently unknown facts is 90 days before the close of fact discovery.

Pretrial Schedule:

The previously established pretrial schedule is modified according to defendant's proposal as follows:

Tutorial	June 20, 2008, 9:00 a.m.
Markman Hearing	July 9, 2008, 9:00 a.m.
Pretrial Conference	March 12, 2009, 2:30 p.m.
Trial	April 6, 2009, 8:30 a.m.

The parties shall meet and confer and prepare a stipulation as to the deadlines that fall between the Markman Hearing and trial, within thirty days. The court will advise the parties as to the deadline for plaintiffs to elect a reduced number of claims upon which this litigation will proceed.

1 **Discovery**

2 The total deposition time is increased from 90 hours to 140 hours. Discovery
3 disputes should be noticed on Magistrate Judge Larson's calendar. If the parties are
4 unable to determine the protocols for handling electronic discovery, they shall contact
5 Judge Larson for assistance.

6 **Settlement Conference**

7 The November 1, 2007 settlement conference with Magistrate Judge Laporte is
8 VACATED. Instead the parties will be required to participate in a settlement conference
9 after claim construction. Defendants' request for relief from the protective order with
10 respect to documents produced in this case that may be relevant to another pending case
11 between the same parties is DENIED.

12 **IT IS SO ORDERED.**

13 Dated: October 19, 2007



PHYLЛИS J. HAMILTON
United States District Judge